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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,005	12/08/2003	Toshiyasu Shirasuna	03500.015546.1	9109

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FITZPATRICK CELLA HARPER & SCINTO
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NEW YORK, NY 10112

EXAMINER

CROWELL, ANNA M

ART UNIT PAPER NUMBER

1763

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
30 DAYS	02/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10-729-005

EXAMINER

ART UNIT

PAPER

20070206

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The reply filed on November 30, 2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Newly submitted claims 25-26 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: On June 10, 2003, the applicant elected species-Figure 3 and received a patent for the elected species on July 13, 2004 (parent application-09/899188). On July 15, 2005, the applicant's claims were clearly directed towards the species of Figure 5 (see claims & remarks page 6) and hence the applicant received an Office Action for the species of Figure 5. Newly submitted claims are directed to nonelected species-Figure 3 (plurality of impedance circuits is detachably connectable to the high frequency power supply means).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 25-26 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

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PARVIZ HASSANZADEH
SUPERVISORY PATENT EXAMINER